

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

HSM 5J

October 19, 1992

American Can Company
c/o Primerica Corporation
65 E. 55th Street
New York, NY 10022

RE: Notice of Potential Liability and Request for Information;
American Chemical Services Site, Griffith, Indiana

Dear Sir or Madam:

The United States Environmental Protection Agency (U.S. EPA) has documented the release or threat of release of hazardous substances, pollutants and contaminants into the environment from the above-referenced facility, and is planning to spend public funds to investigate and control these releases. This action will be taken by U.S. EPA pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. §9601 et seq. (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986, Pub. L. No. 99-499, 100 Stat. 1613 (1986) (SARA), unless U.S. EPA determines that such action will be done properly by a responsible party or parties. Responsible parties under CERCLA include the current and former owners and operators of the facility, persons who generated the hazardous substances, and persons who were involved in the transport, treatment or disposal of the hazardous substances at the Site. Under Section 107(a) of CERCLA, where U.S. EPA uses public funds to achieve the cleanup of the hazardous substances, responsible parties are liable for all costs associated with the removal or remedial action and all other necessary costs incurred in cleaning up the facility, including investigation, planning and enforcement costs.

U.S. EPA previously notified, based on information then available, a group of potentially responsible parties about the conditions at the Site. A number of these potentially responsible parties entered into an Administrative Order on Consent wherein they agreed to conduct a remedial investigation (RI) to determine the nature and extent of any release or threatened release of hazardous substances, pollutants or contaminants from the Site and to perform a feasibility study (FS) to identify and evaluate alternatives for the appropriate extent of remedial action



USI Division

3400 Anamosa Road
P.O. Box 2919
Clinton, IA 52733-2919

August 27, 1992

Mr. Thomas Mateer, Chief
Superfund Management Program Branch
U.S. Environmental Protection Agency
Region V
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

Dear Mr. Mateer:

Re: Notice of Potential Liability and Request for Information;
American Chemical Services Site, Griffith, Indiana

Per conversation of August 24, 1992, with Joseph Malek, Quantum is not a potentially responsible party in reference to the American Chemical Services site.

Quantum acquired some of the assets of the former Chemplex Company through a purchase from Enron Chemical Company in November of 1986. The owner/operators of the Chemplex facility during the period that waste was allegedly disposed at the American Chemical Services Site were American Can Chemical and Getty Chemical Company.

We are returning for your reuse the copy of the letter which was directed to Chemplex. Again, Quantum did not own or operate the Chemplex facility during the time period in question and has never used the services of American Chemical Services.

If you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script that reads 'Robert E. Schuler'.

Robert E. Schuler
Environmental Manager

cc: J. Rice
D. Copeland
S. Pucke
R. Phelan
A. Houlton



P.O. BOX 286 • HOUSTON, TEXAS 77001 • (713) 675-2281 • TELEX: 77-5108 • TWX: 910-881-3667

July 14, 1992

Mr. Joseph Malek
U. S. Environmental Protection Agency
Region V
P. O. Box 529
Itasca, IL 60143-9998

JUL 17 1992

RE: American Chemical Services Site
Response of MRI Corporation

Dear Mr. Malek:

This communication serves as MRI Corporation's ("the Company") response to the United States Environmental Protection Agency's ("EPA") updated information request letter to the Company regarding the American Chemical Services Site ("the Site") in Griffith, Indiana.

EPA's information request letter, purportedly submitted pursuant to Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. Section 9604(e), states EPA's belief that the Company may have incurred potential liability under CERCLA Section 107(a) with respect to the Site. Additionally, the information request letter states EPA's belief that the Company has information relevant to EPA's investigation at the site.

In response to EPA's letter, the Company has conducted an investigation to determine the existence of any information which would be responsive to EPA's requests¹. We were unable to locate any information indicating a connection between the Company and the Site. Our investigation leads us to believe that the EPA has misidentified the Company due to the past activities of divisions or subsidiaries of the Company's former owner. During our inquiry, we obtained information about two facilities which were owned by the Company's former owner, and which operated in the general vicinity of the Site. Based on the geographical proximity of those two divisions to the Site, we believe that those divisions, or successors thereto, may be potentially responsible parties at the Site rather than the Company.

¹ The Company response is based upon information obtained, in the time available, in a reasonable review of available records under the Company's control.

Mr. Malek

Page Two

For your information, the Company is a wholly-owned subsidiary of Proler International Corp. ("Proler") of Houston, Texas. Proler purchased the Company in 1982 from a company known as American Can, and continued to use its existing name "MRI Corporation".

Prior to 1982, an MRI division or subsidiary of American Can operated a de-tinning plant in East Chicago, Illinois. It is our understanding that in 1981, American Can sold the equipment and business of the American Can/MRI East Chicago operation to Vulcan Materials of Birmingham, Alabama, which, we understand, later sold its interests in the operation to AMG of Pittsburgh, Pennsylvania. Given the location and nature of this plant, it is conceivable that the operation used the services of the Site.

A second independent MRI operation is, or was, located in Ontario, Canada. That company, also formerly owned by American Can was, we believe, sold to a third party prior to 1982. We have found no information indicating that there is any connection between the MRI now owned by Proler (the Company) and the holdings of that third party. This Canadian company, like the East Chicago company, is located such that it could have conceivably used the services of the Site.

The business concern which Proler acquired from American Can in 1982 (i.e. the Company) was entirely independent of the East Chicago and Canadian MRI companies which may have used the Site. Although the Company bears the same name as the other companies which formerly were owned by American Can, the Company is not related to the other MRI entities and has no involvement with the Site, to the best of our knowledge.

Given the above information, we do not believe that the Company is a potentially responsible party at the Site and, accordingly, do not anticipate having any further involvement in the matter at this time. We request that EPA remove the Company from its list of potentially responsible parties at the Site. However, if EPA locates any information indicating that the Company may indeed be a potentially responsible party at the Site, we certainly will be glad to revisit and, if appropriate, supplement this response. Unless we hear otherwise, we will assume that EPA will be taking no further action with respect to the Company for the Site.

Mr. Malek
Page Three

Please do not hesitate to contact me if EPA has any questions about this response.

Sincerely,

A handwritten signature in cursive script that reads "Dennis L. Caputo". The signature is written in dark ink and is positioned above the printed name.

Dennis L. Caputo
Vice President